

Pending the further consideration of the bill, on motion of Senator Parsons, it was made the special order for to-morrow at 11½ A. M., and from day to day until disposed of.

On motion of Senator Gaines the Senate, at 12:45 P. M., adjourned to 10:30 A. M. to-morrow.

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## FORTY-SECOND DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Friday, Nov. 3, 1871. }

Senate met pursuant to adjournment. Senator Flanagan, President *pro tem.* presiding. Roll called. Quorum present.

Absent—Senators Broughton, Douglas, Fountain, Pyle, Rawson and Saylor.

Absent, excused—Senator Hertzberg and President Campbell.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

## PETITIONS AND MEMORIALS.

By Senator Hillebrand: A petition from the citizens of Bastrop, protesting against the formation of the county of Franklin. Read and referred to the Committee on Counties and County Boundaries.

By Senator Gaines: A petition of the citizens of Evergreen, praying for the formation of a new county. Read and referred to the Committee on Counties and County Boundaries.

By Senator Bowers: A petition of the citizens of Travis county for permission to David L. Cross to construct and keep a dam across the Colorado river. Read.

By leave, Senator Bowers introduced a bill (Senate bill No. 544), to be entitled "An act to authorize David L. Cross to construct and keep a dam across the Colorado river, for milling or manufacturing purposes." Read first time, rules suspended, read second time, ordered engrossed and passed to a third reading.

On motion of Senator Cole, the rules were further suspended and Senate bill No. 544 read third time and passed.

Message from the House by the Chief Clerk, returning, in compliance with the request of the Senate, Senate bill No. 523, "An act to incorporate the Houston Turn Verein."

Also, transmitting for concurrence the following House bills:

House bill No. 653, "An act to punish certain offenses committed on Sunday;" House bill No. 862, "An act making an appropriation to supply the deficiencies for the years ending August 31, 1870 and 1871, for fees due district attorneys, district clerks, justices of the peace and sheriffs in felony cases."

Also, that the House requests the Senate to amend Senate bill No. 454 as follows: Amend section one by striking out the following words: "or which are or may be hereafter secured or granted by any general law to such corporations within the State;" the amendment as before reported to the Senate not being correct.

Also, informing the Senate that the House had agreed to Senate amendments to House bill No. 121, "An act to amend an act entitled 'an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane,' approved February 5, 1858."

## REPORTS OF STANDING COMMITTEES.

### Report of Committee on Public Buildings:

COMMITTEE ROOM,  
Austin, Nov. 3, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Public Buildings, to whom was referred Senate bill No. 542, to be entitled "An act appropriating seventeen thousand dollars for the better protection of the public buildings and archives of the State," after careful examination, instruct me to report the same back and recommend its passage.

Respectfully,

J. S. MILLS, Chairman.

Report read.

On motion of Senator Mills the rules were suspended to consider the report and bill. Bill read second time.

Senator Pettit moved the indefinite postponement of the bill.

Yeas and nays called for, and motion lost by the following vote:

Yeas—Bell, Dillard, Evans, Hillebrand, Pettit, Swift—6.

Nays—Baker, Bowers, Broughton, Cole, Dohoney, Douglas, Flanagan, Ford, Gaines, Hall, Latimer, Mills, Parsons, Pickett, Pridgen, Ruby, Saylor, Shannon, Tendick—19.

11:30 o'clock A. M.

Pending the further consideration of Senate bill No. 542, the hour arrived for the consideration of the special order, substitute

for House bill No. 747, to be entitled "An act authorizing a loan to meet deficiencies in the revenue of the State."

Upon motion of Senator Parsons, the special order was postponed until the matter pending was disposed of.

Consideration of Senate bill No. 542 resumed.

Senator Douglas offered the following amendment: Amend by striking out the words "artesian well" wherever they occur. Lost.

Senator Bell offered the following amendment: Amend by striking out in section one all after the words "Capitol yard."

Senator Dohoney moved to recommit the bill to a select committee.

Yeas and nays called for, and the Senate refused to recommit the bill by the following vote:

Yeas—Bell, Dillard, Dohoney, Douglas, Evans, Hillebrand, Pettit, Shannon, Tendick—9.

Nays—Baker, Bowers, Broughton, Cole, Flanagan, Ford, Gaines, Hall, Mills, Parsons, Pickett, Pridgen, Ruby, Saylor, Swift—15.

The question recurring upon the amendment offered by Senator Bell.

Senator Mills moved to reject the amendment.

Yeas and nays called for, and the Senate rejected the amendment by the following vote:

Yeas—Baker, Bowers, Cole, Dohoney, Flanagan, Ford, Gaines, Hall, Latimer, Mills, Parsons, Pickett, Pridgen, Ruby, Saylor, Swift, Tendick—17.

Nays—Bell, Broughton, Dillard, Douglas, Evans, Hillebrand, Pettit, Shannon—8.

Upon motion of Senator Mills Senate bill No. 542 was ordered to be engrossed.

Under direction of the President the Secretary informed the House that the Senate had passed without amendments House bills No. 803, "An act to authorize James R. Harrington to erect a toll bridge over White Rock Creek, Hill county, Texas;" House bill No. 714, "An act to incorporate the St. Marys Institute;" and with amendment House bill No. 171, "An act to incorporate the Hebrew Benevolent Society of Brownsville and Matamoros, in Brownsville, Cameron county, Texas."

Consideration of postponed special order, substitute House bill No. 747, resumed.

Senator Bell moved a call of the Senate. Call sustained.

Absent—Senators Fountain, Pridgen, Pyle and Rawson.

Absent, excused—Senator Hertzberg and Mr. President.

On motion of Senator Bowers the call was suspended.

On motion of Senator Cole the further consideration of substitute House bill No. 747 was postponed until to-morrow at 11:30 A. M.

Senator Saylor submitted the following report of the Conference Committee on Senate amendments to House bill No. 776 :

HOUSE OF REPRESENTATIVES, {  
Austin, Nov. 2, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate, *pro tem.*,

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

GENTLEMEN : The Committee of Conference appointed by the two Houses to consider the causes of disagreement between the two Houses on certain Senate amendments to House bill No. 776, have performed their duty, and recommend that the House agree to the following Senate amendment : Amend section five by adding thereto the words : "*Provided*, that the holder of any interest-bearing bond or bonds, as described in section four of this act, may retain possession of the original of such bond or bonds, and the Auditorial Board, created by the act to which this is a supplement, shall cause to be endorsed on said bond or bonds, the word "genuine," which endorsement shall be dated and signed by the President of the board, and shall be sufficient to authorize the payment of the principal and interest of such bonds, according to their tenor and effect; and the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay the interest and principal of such bonds," and that the Senate recede from the following amendment : Amend section two, line three, by inserting the words "not otherwise appropriated" after the word "purpose."

W. A. SAYLOR,  
M. H. BOWERS,  
E. PETTIT,

Managers on the part of the Senate.

IRA H. EVANS,  
A. ZOELLER,  
A. J. BOOTY,  
W. P. McLEAN,

Managers on the part of the House.

Report read, and on motion of Senator Saylor, adopted.

## REPORTS OF STANDING COMMITTEES.

Reports of Committee on State Affairs:

COMMITTEE ROOM, }  
Austin, Nov. 1, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 517, to be entitled "An act to incorporate the Cherokee Mining Company," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD, Chairman.

COMMITTEE ROOM, }  
Austin, Nov. 3, 1871. }

Hon. WEBSTER FLANAGAN,

President of Senate, *pro tem*:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 819, to be entitled "An Act to amend 'an act prescribing the times of holding the courts in the several judicial districts in the State,' approved August 18, 1870," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD, Chairman.

Reports read and laid over under the rules.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM, }  
Austin, Nov. 3, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed the following Senate bills:

Senate bill No. 291, "An Act to authorize a change of venue in certain causes, pending in the district courts, pertaining to estates of deceased persons, and guardianship;" Senate bill No. 334, "An Act to encourage the holding of industrial fairs, by exempting certain property from taxation;" Senate bill No. 347, "An Act to incorporate the Houston Dollar Savings Bank;" Senate bill No. 541, "An Act to increase the area and enlarge the boundary of

Lamar county;" Senate bill No. 524, "An Act to incorporate the Point Isabel City Company."

G. T. RUBY, Chairman.

Report read and received.

### BILLS AND RESOLUTIONS.

By Senator Mills: a bill (Senate bill No. 545, to be entitled "An act creating the Colorado Real Estate and Banking Company." Read first time, rules suspended, read second time, ordered engrossed and passed to a third reading.

On motion of Senator Bowers, the rules were further suspended, and the bill read third time.

Senator Gaines moved to refer the bill to a select committee of three, with instructions to report to-morrow.

Yeas and nays called for, and motion to refer carried by the following vote:

Yeas—Baker, Bell, Dohoney, Evans, Flanagan, Ford, Gaines, Hillebrand, Parsons, Pickett, Ruby, Swift—12.

Nays—Bowers, Broughton, Cole, Dillard, Douglas, Latimer, Mills, Saylor, Shannon, Tendick—10.

The Chair appointed as such committee Senators Gaines, Mills and Pickett.

By Senator Baker: a bill (Senate bill No. 546) to be entitled "An act to incorporate the Red River Bridge Company." Read first time, rules suspended, read second time, ordered engrossed and passed to a third reading.

On motion of Senator Baker the rules were further suspended and Senate bill No. 546 read third time and passed.

By Senator Dohoney: a bill (Senate bill No. 547) to be entitled "An act to amend section one hundred and two of 'an act prescribing the manner of proceeding in district courts in matters of probate,' approved August 15, 1870." Read first time and referred to Committee on Judiciary.

By Senator Baker: a resolution, as follows:

*Resolved*, That the use of the Senate Chamber be given to Rev. Charles E. Dodge, next Thursday night, for reading select pieces from Shakspeare and other authors, for the benefit of the Ladies' Social Society of the Austin Baptist Church. Adopted.

On motion of Senator Parsons the rules were suspended to take from file Senate bill No. 523, "An act to incorporate the Houston Turn Verein," and on further motion the bill was recommitted to the Judiciary Committee.

On motion of Senator Shannon the rules were suspended to take

from file Senate bill No. 530, "An act to authorize the lifting or floating of valid land certificates in certain cases." Read second time.

On motion of Senator Douglas the bill was referred to a select committee of three, with instructions to report to-morrow.

The Chair appointed as such committee Senators, Douglas, Shannon and Hall.

On motion of Senator Mills, Senator Dillard was added to the several committees of which he was formerly a member.

On motion of Senator Gaines the rules were suspended to take from file substitute House bill No. 596, "An act to establish the county of Franklin."

On motion of Senator Gaines the bill was recommitted to the Committee on Counties and County Boundaries.

On motion of Senator Ford, the Senate at 12:55 P. M. adjourned to 10:30 A. M. to-morrow.

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### FORTY-THIRD DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Saturday, Nov. 4, 1871. }

Senate met pursuant to adjournment. Senator Flanagan, President *pro tem.*, presiding. Roll called. Quorum present.

Absent—Senators Fountain, Gaines, Mills, Pridgen and Pyle.

Absent, excused—Senator Hertzberg and President Campbell.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

### MESSAGES.

Messages from the House by the Chief Clerk, Mr. Gallant; transmitting for concurrence House bills, as follows: House bill No. 767, "An act for the relief of Col. Thomas William Ward;" House bill No. 836, "An act to incorporate the Trinity River Navigation Company;" House bill No. 876, "An act to authorize the county court of Wharton county to levy a tax to build a jail at the county seat."

And transmitting for signature of the President, the following enrolled House bills: House bill No. 10, "An act to provide for transcribing the surveyors' records;" House bill No. 71, "An act to incorporate the Jefferson Steam Fire Company No. 1, of the